

PUS-1163 (1578.613) formerly of 555255-012-588

PTO/SB/01 (08-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**



Declaration  
Submitted  
With Initial  
Filing

OR



Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket Number PUS1163 (1578.613)

First Named Inventor Gjalt Gerrit de Jong

COMPLETE IF KNOWN

Application Number 10/678,796

Filing Date January 3, 2003

Art Unit unknown

Examiner Name not yet assigned

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ACCESS STRATUM MANAGER

(Title of the Invention)

the specification of which



is attached hereto

OR



was filed on (MM/DD/YYYY)

10/03/2003

as United States Application Number or PCT International

Application Number 10/678,796 and was amended on (MM/DD/YYYY) - (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

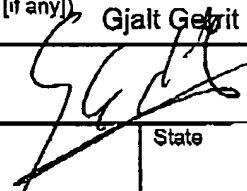
[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input type="checkbox"/> Customer Number: <input type="text"/>		OR <input checked="" type="checkbox"/> Correspondence address below	
Name David B. Cochran, Esq.			
Address JONES DAY - North Point, 901 Lakeside Avenue			
City Cleveland		State Ohio	ZIP 44114-1190
Country U.S.A.	Telephone 216-586-3939	Fax 216-579-0212	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Gjalit Geert		Family Name or Surname de Jong	
Inventor's Signature 		Date 2.6/1/04	
Residence: City Leuven	State	Country BELGIUM	Citizenship netherlands
Mailing Address 295 Phillip Street			
City Waterloo	State Ontario	ZIP N2L 3W8	Country Canada
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Gerald D.		Family Name or Surname Kelliher	
Inventor's Signature		Date	
Residence: City Ealing	State	Country ENGLAND	Citizenship Ireland
Mailing Address 295 Phillip Street			
City Waterloo	State Ontario	ZIP N2L 3W8	Country Canada
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

**DECLARATION — Utility or Design Patent Application**

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Name David B. Cochran, Esq.			
Address JONES DAY - North Point, 901 Lakeside Avenue			
City Cleveland	State Ohio	ZIP 44114-1190	
Country U.S.A.	Telephone 216-586-3939	Fax 216-579-0212	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application, or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)) Gjalt Gerrit		Family Name or Surname de Jong	
Inventor's Signature			Date
Residence: City Leuven	State	Country BELGIUM	Citizenship netherlands
Mailing Address 295 Phillip Street			
City Waterloo	State Ontario	ZIP N2L 3W8	Country Canada
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any)) Gerald D.		Family Name or Surname Kelliher	
Inventor's Signature <i>Gerald Kelliher</i>			Date 9th Feb '04
Residence: City Ealing	State	Country ENGLAND	Citizenship Ireland
Mailing Address 295 Phillip Street			
City Waterloo	State Ontario	ZIP N2L 3W8	Country Canada
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

<b>DECLARATION</b>	<b>ADDITIONAL INVENTOR(S)</b> Supplemental Sheet
	Page <u>3</u> of <u>3</u>

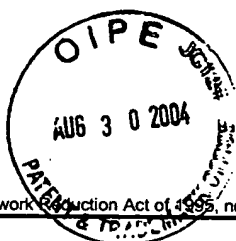
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Robert J.		Harrison	
Inventor's Signature <i>Robert Harrison</i>		Date <i>26 Jan 2004</i>	
Residence: City	State	Country	Citizenship
Hollywood	Birmingham	ENGLAND	British
Mailing Address			
295 Phillip Street			
Mailing Address			
City	State	Zip	Country
Waterloo	Ontario	N2L 3W8	Canada
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	Country
Mailing Address			
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	Country
Mailing Address			
Mailing Address			
City	State	Zip	Country

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1163 PUS  
Declaration Extra Page

Atty Docket:  
1578 613



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PTO/SB/96 (08-03)  
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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Gjalt Gerrit de Jong, Gerald D. Kelliher, and Rob J. Harrison

Application No./Patent No.: 10/678,796 Filed/Issue Date: October 3, 2003

Entitled: ACCESS STRATUM MANAGER

M-Stack Corporation, a

corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

**OR**

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

25 Aug 04  
Date

214-706-4200

Telephone number

Robert H. Kelly

Typed or printed name

Robert H. Kelly  
Signature

Attorney for Assignee

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## **WORLDWIDE ASSIGNMENT**

WHEREAS, I/WE, (hereinafter referred to as the "ASSIGNOR(S)"):

**Gjalt Gerrit de Jong, Naamsesteenweg 539/15, B3001 Leuven, BELGIUM**  
**Gerald D. Kelliher, 7 Fordhook Ave., Ealing, London W5 3LS, ENGLAND**  
**Robert J. Harrison, 15 Mayhurst Road, Hollywood, Birmingham, B47 5QG, ENGLAND**

has/have invented certain new and useful improvements in an invention entitled

### **ACCESS STRATUM MANAGER**

for which an application for United States Letters Patent was filed on October 3, 2003 and assigned Serial No. 10/678,796, and as further identified by **PUS1163 (1578.613) (formerly 555255-012-588)**; and

WHEREAS, M-STACK LIMITED, (hereinafter referred to as the "ASSIGNEE"), a corporation organized under the laws of the England and Wales, having a place of business at Chancery House, 8 Edward Street, Birmingham B1 2RX, United Kingdom, is desirous of acquiring the full and exclusive right, title and interest in and to said application inclusive of any and all priority rights derived therefrom and the inventions therein disclosed, and in and to all Letters Patent, both United States and foreign, to be granted for said inventions;

NOW, THEREFORE, for a valuable consideration, the receipt whereof is hereby acknowledged, I/WE, ASSIGNOR(S) does/do hereby confirm sale, assignment, transfer, and set over, and hereby sell, assign, transfer, and set over unto the ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest in and to the aforesaid application for United States Letters Patent inclusive of any and all priority rights derived therefrom, and the inventions therein disclosed, and in and to all Letters Patent and issues thereof which may be granted upon said application and in and to all Letters Patent which may be issued upon any substitutes, divisions, or continuations of said application, and in and to any and all Letters Patent which may be granted for said inventions in any foreign country or countries; the same to be held and enjoyed by the ASSIGNEE for its own use and behoof, and for the use and behoof of its successors and assigns, to the full end of the term or terms for which said Letters Patent and reissues thereof may be granted as fully and entirely as the same would have been held and enjoyed by me (us) had this assignment and sale not been made;


AND I/WE, ASSIGNOR(S) hereby agrees/agree to execute, upon request, any and all further papers which may be necessary or desirable to enable the ASSIGNEE, its successors and assigns, to file and prosecute said application, and any and all substitutes, divisions, or continuations thereof, and any and all reissues of the Letters Patent granted upon said application, or upon any substitutes, divisions, or continuations thereof, and any and all applications for foreign Letters Patent on said inventions; and ASSIGNOR(S) further agrees/agree to execute any and all further papers which may be necessary or desirable to vest or perfect the title of ASSIGNEE, its successors and assigns, in and to said application and the inventions therein disclosed, and in and to any and all Letters Patent and reissues thereof, both United States and foreign, which may be granted upon said application, and any substitutes, divisions, or continuations thereof, and upon any foreign applications.

AND I/WE, ASSIGNOR(S) hereby authorizes/authorize and requests/request The Commissioner of Patents to issue each and every Letters Patent to be granted upon the aforesaid application for United States Letters Patent, and upon any and all substitutes, divisions, and continuations of said application, and each and every reissue of said Letters Patent, to the ASSIGNEE, its successors and assigns, as the assignee of the entire right, title and interest therein, in accordance with this assignment.

IN WITNESS WHEREOF, this assignment has been executed below by the undersigned:

Date:

26/01/04

  
\_\_\_\_\_  
Gjaltr Gerrit de Jong  
Naamsesteenweg 539 / 15  
B 3001 Leuven  
BELGIUM

STATEMENT BY WITNESS

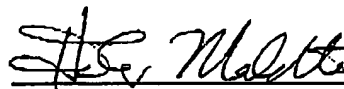
I, Heather Malette whose full Post Office address is

401 Springbank Ave., North, Unit 3, Woodstock, Ontario N4T 1P9 Canada  
(Address of Witness)

hereby declare that I was personally present and did see the above named person, personally known to me to be the person named in the assignment, duly sign and execute the same.

Date:

26 Jan 2004

  
\_\_\_\_\_  
(Signature of Witness)

IN WITNESS WHEREOF, this assignment has been executed below by the undersigned:

Date: 9th Feb '04

Gerald D. Kelliher  
Gerald D. Kelliher  
7 Fordhook Ave  
Ealing, London  
W5 3LS  
ENGLAND

STATEMENT BY WITNESS

I, Taron Shorne whose full Post Office address is

10 BLAKES RIDE, YATELEY, HAMPSHIRE GU46 6QJ, UK  
(Address of Witness)

s

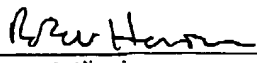
hereby declare that I was personally present and did see the above named person, personally known to me to be the person named in the assignment, duly sign and execute the same.

Date: 09/02/04

[Signature]  
(Signature of Witness)

IN WITNESS WHEREOF, this assignment has been executed below by the undersigned:

Date: 26 Jan 2004

  
Robert J. Harrison  
15 Mayhurst Rd  
Hollywood  
Birmingham  
B47 5QG  
ENGLAND


STATEMENT BY WITNESS

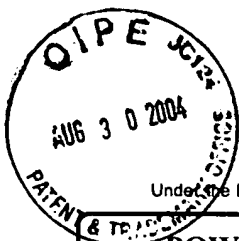
I, Mark Norton whose full Post Office address is

37 Orchard Road, Sidemoor, Bromsgrove, Worcestershire England B61 8HZ  
(Address of Witness)

hereby declare that I was personally present and did see the above named person, personally known to me to be the person named in the assignment, duly sign and execute the same.

Date: 26 Jan 2004

  
(Signature of Witness)



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PTO/SB/80 (12-03)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby appoint:



Practitioners associated with the Customer Number:

30973

OR



Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

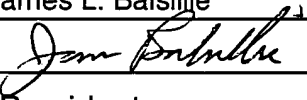
Assignee Name and Address:

M-Stack Limited  
Chancery House  
8 Edward Street  
Birmingham  
B1 2RX  
U.K.

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	James L. Balsillie		
Signature		Date	4 Feb 2004
Title	President	Telephone	519-888-7465

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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